

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
NWC Mob Hill Park Drive and
and Green Park Road
104 Mob Hill Park Drive
4th Election District
3rd Councilmanic District
Dale Chambers, et ux
Petitioners
* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-174-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Dale and Susan Chambers, for that property known as 104 Mob Hill Park Drive in the Mob Hill Subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1A03.4.B.6 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 15 ft., in lieu of the minimum required 20 ft., for a proposed garage addition, and a variance to allow an accessory structure (shed) on a corner lot with a 4 ft. side yard setback, in lieu of the 1/3 rear yard farthest removed from the side street, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of December, 1992 that the Petition for a Zoning Variance from Section 1A03.4.B.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 15 ft., in lieu of the minimum required 20 ft., for a garage addition, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 of the B.C.Z.R. to allow an accessory structure on a corner lot with a 4 ft. side yard setback, in lieu of the 1/3 rear yard farthest removed from the side street, for an existing shed, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure, (proposed garage addition) to be converted to a second dwelling unit and/or

apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 23, 1992

Mr. and Mrs. Dale Chambers
104 Mob Hill Park Drive
Reisterstown, Maryland 21136

RE: Petition for Administrative Variance
Case No. 93-174-A
104 Mob Hill Park Drive

Dear Mr. and Mrs. Dale Chambers:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mm
encl.

ORDER RECEIVED FOR FILING
Date 12/23/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 12/23/92
By [Signature]

-2-

-3-

Petition for Administrative Variance 93-174-A 183 to the Zoning Commissioner of Baltimore County for the property located at 104 MOB HILL PARK DRIVE which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A03.4.B.6 (202.3), 400.1

To allow a side yard setback of 15 ft. in lieu of the minimum required 20 ft. and
To allow an accessory structure on a corner lot with a 4 ft. side setback in lieu of the
1/3 rear yard farthest removed from the side street.
of the Zoning Regulations of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

TO ALLOW FOR EXPANSION OF THE EXISTING HOUSE
WITH MINIMAL DISTURBANCE TO EXISTING VEGETATION
AND TOPOGRAPHY

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
(Type or Print Name)
Signature
Address
City State Zip/City
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zip/City
Phone No.
City State Zip/City
A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11th day of 1992, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

I, the undersigned, declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s)
✓ DALE + SUE CHAMBERS
(Type or Print Name)
Signature
Address
City State Zip/City

✓ DALE + SUE CHAMBERS
(Type or Print Name)
Signature
Address
City State Zip/City

✓ 104 MOB HILL PARK DR. 833-6888
(Type or Print Name)
Signature
Address
City State Zip/City

✓ REISTERSTOWN MD 21136
(Type or Print Name)
Signature
Address
City State Zip/City

✓ Robert W. Priest Jr. A.I.A. (architect)
(Type or Print Name)
Signature
Address
City State Zip/City

Zoning Commissioner of Baltimore County

ITEM # 183

Affidavit 93-174-A 183 in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) where competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 104 MOB HILL PARK DRIVE
REISTERSTOWN MD. 21136

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance to the above address: (Indicate hardship or practical difficulty)

TO ALLOW EXPANSION OF THE EXISTING HOUSE
WITH MINIMAL DISTURBANCE TO EXISTING
VEGETATION AND TOPOGRAPHY

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

DALE CHAMBERS
SUSAN B. CHAMBERS
(Type or Print Name)
Signature
Address
City State Zip/City

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 11th day of November, 1992, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared

DALE S. CHAMBERS + SUSAN CHAMBERS

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESSES my hand and Notarial Seal.

11/19/92
My Commission Expires Jan. 1, 1994

My Commission Expires Jan. 1, 1994

Zoning Description 93-174-A 183 104 Mob Hill Park Dr.

Beginning at a point at the north corner of corner of Mob Hill Park Dr. and Green Park Rd. Being lot No. 2 Sect B in the subdivision Mob Hill as recorded in Baltimore County Plat Book 33 folio 104 containing 1.200±. Also known as 104 Mob Hill Park Dr. and located in the 4th Election District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 4th
Posted for: 11/19/92
Petitioner: Dale + Susan Chambers
Location of property: 104 Mob Hill Park Drive (104) Reisterstown, MD
Location of Sign: Posting intersection of Mob Hill & Green Park
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1
Date of return: 12/4/92

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

93-174-A 183 receipt

Amount: \$-881-6180
Number: 183

Date: 11-20-92

Robt Priest
Chambers Property,
104 Mob Hill Park Dr.

Residential Variance (ADMIN) filing fee \$50.00
Sign & Posting - 35.00
\$85.00

DA40480117MCHRC
BA 011:55AN11-20-92

\$85.00

Cashier Validation

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

93-174-A 183 receipt

Amount: \$-881-6180
Number: 183

Date: 11/13/92

H9300183

PUBLIC HEARING FEES
110 ZONING VARIANCE FILING
100 POSTING SIGNS
LAST NAME OF OWNER: CHAMBERS

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

December 7, 1992

(410) 887-3353

Mr. and Mrs. Dale Chambers
104 Nob Hill Park Drive
Reisterstown, MD 21136

RE: Case No. 93-174-A, Item No. 183
Petitioner: Dale Chambers, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Chambers:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: December 7, 1992
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

MCR:hek

Enclosures

cc: Mr. Robert W. Priest, Jr., A.I.A.
1041 Green Hill Farm Road
Reisterstown, MD 21236



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this

20th day of November 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Dale Chambers, et ux

Petitioner's Attorney:

93-174-A

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature *Dennis R. Ramsey*

12/01/92

Date 12/7/92

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Venice K. Paterakis				
DED DEPRM RP STP TE		176		11-30-92 NC
✓ John and Constance Morabito				
DED DEPRM RP STP TE		179		NC
✓ Edward J. and Joyce A. Benesch				
DED DEPRM RP STP TE		181		NC
✓ Edward T. and Leigh Ann Schneider				
DED DEPRM RP STP TE		182		NC
✓ Dale and Sue Chambers				
DED DEPRM RP STP TE		183		NC
COUNT 5		185		NC

Stonegate at Patapsco (Areal Property),
90476 ZON DED TE (Waiting for developer to submit plans first, 6-1-92)
COUNT 1
FINAL TOTALS
COUNT 6
*** END OF REPORT ***

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 93-183 (JVS)
Dale Chambers & Sue Chambers

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David A. Ramsey 11/27/92
John Contestabile, Chief
Engineering Access Permits
Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 3, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
(November 30, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Venice K. Paterakis, Item No. 176 ✓
John and Constance Morabito, Item No. 179 ✓
Edward and Joyce Benesch, Item No. 181 ✓
Edward and Leigh Ann Schneider, Item 182 ✓
Dale and Sue Chambers, Item No. 183 ✓

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 867-3211.

Prepared by: *Francis Morsey*

Division Chief:

EMCD/FM:rdn

176 ZAC/ZAC1

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature *Arnold Jablon*

12/01/92

Date 12/14/92

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Venice K. Paterakis				
DED DEPRM RP STP TE		176		11-30-92
✓ John and Constance Morabito				
DED DEPRM RP STP TE		179		NC
✓ Edward J. and Joyce A. Benesch				
DED DEPRM RP STP TE		181		NC
✓ Edward T. and Leigh Ann Schneider				
DED DEPRM RP STP TE		182		NC
✓ Dale and Sue Chambers				
DED DEPRM RP STP TE		183		NC

COUNT 5
Stonegate at Patapsco (Areal Property)
90476 ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1
FINAL TOTALS
COUNT 6
*** END OF REPORT ***

93-174-A

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 7, 1992

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #183
104 Nob Hill Park Drive
Zoning Advisory Committee Meeting of November 30, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Approved with the following comment to the homeowner:

While slash provides valuable habitat for wildlife, this material should not be dumped in swales or wetlands. These areas provide conveyance of runoff, flood storage, erosion/sediment control, pollution control and groundwater recharge. Materials discarded in these sensitive areas reduce their capacity to function.

LP:sp

NOBHILL/TXTSBP

Rec 12/16/92

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

DECEMBER 1, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DALE CHAMBERS AND SUE CHAMBERS

Location: #104 NOB HILL PARK DRIVE

Item No.: *183 (JJS) Zoning Agenda: NOVEMBER 30, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

111 West Chesapeake Avenue
Towson, MD 21204

November 25, 1992

(410) 887-3353

Dale and Susan Chambers
104 Nob Hill Park Drive
Baltimore, Maryland 21206

Re: CASE NUMBER: 93-174-A
LOCATION: 104 Nob Hill Park Drive and Green Park Road
104 Nob Hill Park Drive
4th Election District - 3rd Councilmanic

COPY

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before December 6, 1992. The closing date (December 21, 1992) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

[Signature]
Arnold Jablon
Director

93-174-A

183



93-174-A

183

